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Letter dated 2 October 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to forward, enclosed herewith, the report of the Federal Republic of Yugoslavia on the situation in the negotiations with the Republic of Croatia on the disputed issue of Prevlaka (see annex) and the letter of Dr. Rodoljub Etinski, Chairman of the Yugoslav Delegation, addressed in that connection to his Croatian counterpart (see enclosure).

I should be grateful if you would have the present letter, its annex and the enclosure therewith circulated as a document of the Security Council.

(*Signed*) Vladislav **Jovanovic**
Chargé d'affaires a.i.

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Annex to the letter dated 2 October 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

Report of the Federal Republic of Yugoslavia to the Secretary-General of the United Nations on the situation in the negotiations with the Republic of Croatia on the disputed issue of Prevlaka

The report on the situation in the negotiations between the Delegation of the Federal Republic of Yugoslavia and the Delegation of the Republic of Croatia regarding the establishment of the extension of the State border between the Federal Republic of Yugoslavia and the Republic of Croatia in Sector South and the solution of the disputed issue of Prevlaka is submitted herewith to the Secretary-General of the United Nations pursuant to Security Council resolution 1307 (2000) of 13 July 2000, paragraph 5.

No meeting between the Delegations of the Federal Republic of Yugoslavia and the Republic of Croatia on the negotiations on the solution of the disputed issue of Prevlaka has been held in a year and a half,[a] since the Croatian side continues to persist in its refusal to convene the fifth meeting of the Delegations. During that year and a half, the Yugoslav side expressed its readiness on a number of occasions to continue the negotiations and a substantive consideration of the arguments that the two sides had exchanged. That readiness was made evident in the letters[b] of Dr. Rodoljub Etinski, head of the Yugoslav Delegation, addressed to Dr. Hrvoje Kacic, his Croatian counterpart; in the reports submitted by the Federal Republic of Yugoslavia to the Secretary-General; and in the contacts of Yugoslav representatives with officials of the United Nations Secretariat and the head of the United Nations Mission of Observers in Prevlaka (UNMOP).

The Yugoslav approach proceeds from the assumption that the negotiations should be resumed without delay and include the presentation of positions on the arguments on which the perception of each of the two sides in respect of the extension of the inter-State border in the area of Prevlaka is based. The Yugoslav side considers that it is possible to conduct serious negotiations only in meetings of the Delegations, through direct dialogue and the presentation of arguments of two sides, rather than through letters on which the Croatian side has insisted in the past period.

In his last letter of 28 August 2000, addressed to Dr. Hrvoje Kacic, and enclosed herewith, Dr. Rodoljub Etinski, head of the Yugoslav Delegation, expressed his regrets at the delay in the convening of the fifth meeting of the Delegations and pointed out that negotiations between the two Delegations could not be substituted for correspondence. He also said that the Yugoslav side could not accept an agenda for the next meeting, proposed by Dr. Kacic in his letter of 10 July 2000, that prejudged the solution of the disputed issue of Prevlaka to the detriment of the Yugoslav side. In his letter, Dr. Etinski had proposed that the method of the establishment of the border be considered at the next meeting in view of the application of the rule of *uti possidetis* on which both sides had agreed. There do exist differences, however, in the perception of the application of the rule by the two sides and negotiations are needed to resolve those differences. The agenda proposed by the Yugoslav side does not prejudge the outcome of the negotiations.

The basic positions of the Federal Republic of Yugoslavia on the solution of the disputed issue of Prevlaka are: the continuation of the bilateral negotiations on the solution of the disputed territorial issue of Prevlaka in accordance with article 4 of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia (A/51/318-S/1996/706, annex) and the rules of international law in the spirit of good-neighbourliness; the continued presence of UNMOP, pending a bilateral solution of the disputed issue by the two countries; and the consistent fulfilment of the mandate of UNMOP in an unchanged format, according to which the "Blue Zone" belongs in its exclusive competence and only the members of the United Nations are allowed access thereto. Modification of the concept of the Blue Zone legalizes the Croatian presence in the Zone and prejudges the solution of the disputed issue of Prevlaka.

The Federal Republic of Yugoslavia wishes to reiterate its readiness to continue the bilateral negotiations on the solution of the disputed issue of Prevlaka in accordance with Article 4 of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia and the rules of international law and in the spirit of good-neighbourliness.

Notes

[a] The last meeting was held on 9 March 1999.

[b] 14 July 1999; 6 March 2000; 8 July 2000 and 28 August 2000.

Enclosure

Federal Republic of Yugoslavia
Federal Government

Delegation of the Federal Republic of Yugoslavia for the negotiations with the Delegation of the Republic of Croatia regarding the establishment of the extension of the State border in Sector South between the Federal Republic of Yugoslavia and the Republic of Croatia and the solution of the disputed issue of Prevlaka

No. 18-1/2000
Belgrade, 28 August 2000

To the Government of the Republic of Croatia
State Commission for Borders

Prof. Dr. Hrvoje Kacic
Chairman of the Croatian Delegation
for a lasting solution of the security issue of Prevlaka

I acknowledge receipt of your letter of 10 July 2000. On behalf of the Yugoslav delegation I welcome once again your readiness to hold the fifth meeting of the Delegations in the Republic of Croatia, but this time I cannot but express my regret that the holding of the meeting is being delayed and that, contrary to your letter of 10 April 2000, you have failed to propose concrete dates of the next meeting.

We believe that you will agree that our correspondence cannot substitute for the negotiations of the two Delegations.

The establishment of the agenda of the meeting is the matter to be agreed upon by the two sides. The Yugoslav side cannot accept an agenda that would prejudge the solution of the disputed issue of Prevlaka to its detriment.

Your proposal of the agenda implies that the border on land has been established and that the establishment of the border at sea remains. The Yugoslav side does not share that opinion. In order to establish an agenda without prejudging the outcome of the negotiations and the position of either side, the Yugoslav side has proposed a consideration of the rule of *uti possidetis*, on the application of which both sides have agreed. However, it is evident that there exist differences in the perceptions of the two sides in respect of the application of the rule, so that negotiations are necessary regarding this matter.

The basis of our negotiations is contained in article 4 of the Agreement on Normalization of Relations, signed in Belgrade on 23 August 1996. The two sides agreed to resolve the disputed issue of Prevlaka by negotiations, so that it remains for them to carry out that commitment.

With due respect, I note that your repeated and categorical position regarding the composition of the Yugoslav delegation, even after the explanation contained in my letter of 8 June 2000, constitutes an act of interference in the internal affairs of the Federal Republic of Yugoslavia.

The Yugoslav proposal of the agenda is not contrary to the positions of the international community that you mention, but which are not binding on the two sides, so I assure you that the apprehension reflected in the last paragraph of your letter is bereft of any justified reasons whatsoever.

Sharing your expectation that reason and rationality will prevail in the common interest, the Yugoslav side reiterates its proposal for an agenda that does not prejudge the outcome of the negotiations and does not contrast the positions of the two sides, which reads:

1. Methods of establishing the border in view of the application of the rule of *uti possidetis*;

2. Miscellaneous.

(*Signed*) Dr. Rodoljub **Etinski**
Chairman
Yugoslav Delegation for the Solution of the Disputed Issue of Prevlaka